

Judges Act and Financial Act

That is all I want to say on this particular point, but let me reiterate this plea to the government to make the necessary changes.

Mr. Arnold Peters (Timiskaming): Mr. Speaker, breathes there a lawyer whose soul is so dead he does not aspire to a judgeship? I think a judgeship is as important to some as a home or nationalism is to others. We can almost use citation No. 11 of the Standing Orders to object to too many people participating in this debate. However, that is not the reason I am rising today.

The minister has asked for 90 puisne judges, 13 more judges, six more judges, 97 judges, one chief judge of the county court and five more county court judges. Do we really need all these extra judges?

Mr. Turner (Ottawa-Carleton): I rise on a point of order, Mr. Speaker. The hon. member in stating those numbers should recognize he is speaking globally rather than additionally, because the 90 judges really means an addition of five judges over the 85 now already in office.

Mr. Peters: I appreciate that correction because, quite frankly, I did not realize we were not getting 90 more judges, and I would not have been surprised had that been the case.

Mr. Hogarth: He is unencumbered by the facts.

Mr. Peters: Every time I get caught speeding in any part of the country there is always a judge immediately available. I have never noticed any lack of judges.

The previous speaker indicated that we must appoint these judges now to clear up the great backlog. I understand the province of Alberta requires more judges. It is interesting to note that when the minister asked for first reading of this measure, at least three provinces made application for an increase in their judiciary.

The reason I refer to a relationship between Members of Parliament and lawyers, and lawyers and judges, is that we really are not in a position of deciding whether we have enough judges in Alberta or in any other province. Perhaps the lawyers can make such a judgment, but they have a very close interest.

I do not begrudge paying judges more money. If money keeps them honest we should increase the amount. Many good lawyers in this country have turned down a judgeship because the money offered is not sufficient to keep them in the manner to which they have become accustomed. In order to maintain this standard as judges, they would have to engage in outside practice and that may be detrimental. I am not opposed to increasing the salaries, but I should like the minister to tell us whether increasing the number is really necessary. He has listened to the attorneys general of the provinces who have asked for more judges. The minister must go along with such a request, because he is the Minister of Justice and the Attorney General of Canada, and he has a responsibility. It seems to me that we, as Members of Parliament, are not in a position to decide whether the requested increase in the number of judges is valid. Will the minister indicate what machinery he contemplates to ensure that the increase is necessary?

[Mr. Lambert (Edmonton West).]

I would be surprised if one judge I know works more than a 10-hour week. He has lots of time for everything and anything, and this extra time is not doing him any good physically or any other way. It seems to me that a little more work in this case would be beneficial. No one really supervises these judges. They do not punch clocks or turn in time cards.

• (2:50 p.m.)

We had an interesting case in my area not long ago involving a young fellow who had to appear before a judge, even though he had elected trial before a judge and jury, simply because there were so few cases to be heard before a jury that the jury was not called. They talked him out of having a jury trial. He appeared before a judge and received a sentence of two years, whereas the other two young fellows who were involved appeared before a jury and got off. I do not know how justice works, but if this person had elected to be tried by a judge and jury perhaps the trial should have been proceeded with in that way. I think in many cases judges do put in very long hours. In many instances when they hear a case it takes so long for a judgment to be delivered that the person has served the time involved in his sentence even before the judge gets around to deciding what the sentence should be. It may be that we do not need more judges but need more clerical help. The time lapse in obtaining court records sometimes is so great that the judge probably has forgotten what the case was all about.

The point I am trying to make in respect of this bill is we are not really being informed what the need is. We do not know whether the Attorney General of Canada is to exercise some kind of control over the requests which come from the provinces or, for example, if the province of Alberta asks for five judges does it get five judges and is that the end of his responsibility. Do we just vote this money year after year as a matter of course? I am interested not only in this initial instance but also in how we exercise control over this problem in each year's estimates.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, we are discussing two report stage motions at the present time, No. 1 and No. 5. I gather that No. 1 deals mainly with increasing the number of judges to be provided under this legislation and that No. 5 deals mainly with the proposed new salary levels. Like the hon. member for Timiskaming (Mr. Peters) I feel I must say that we have to take it on the word of the minister that the increased number of judges is really necessary. That message has been put through to us from most of the lawyers in this House during recent weeks. As I say we have no direct evidence, but I suppose we must believe it is necessary and therefore I shall not object to report stage motion No. 1.

Although I have said things in this House which were more popular than this, it is still my view that we are raising the salary levels too high and, Mr. Speaker, when you put report stage motion No. 5 I shall record my objection by saying "on division". It seems to me the pleas that are made for these higher salaries just do not jibe with the pleas that are also made for people to hold their desires in check, to put off their demands for higher wages and so on.